

REMARKS

Allowable Subject Matter

Applicants appreciate the indication that claims 6 and 7 contain allowable subject matter. However, Applicants submit that all of the claims are in condition for allowance for the following reasons.

Objection to Specification

The specification was objected to because the Examiner stated that “rougher R1” should be “router R1”.

The specification has been amended to change the word “rougher” to “router”.

Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

Objection to Claims

In the Office Action, Claim 1 was objected to because the Examiner stated that in line 22 “the optimized” should be “an optimized”.

Claim 1 has been amended to change “the optimized” to “an optimized at line 22. This amendment is made for the sole purpose of correcting the claim to avoid a lack of antecedent basis. This amendment is not made for the purpose of avoiding prior art or narrowing the claimed invention, and no change in claim scope is intended. Therefore Applicants do not intend to relinquish any subject matter by these amendments. Applicants respectfully submit that claim 1, as amended, overcomes the stated objection. Accordingly, Applicants respectfully request withdrawal of the objection for claims 1.

35 U.S.C. § 103 Rejection

Claims 1-5 and 8-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Applicant's admitted prior art in view of U. S. Patent No. 5,590,126 issued to Mishra, *et al.* ("Mishra"). This rejection is respectfully traversed.

Noting that the admitted prior art does not disclose establishing the optimized resource reservation path, the Examiner alleges it would have been obvious to modify the teachings of the admitted prior art with the teachings of Mishra. See Office Action, paragraph 6. The Examiner further argues that such a combination would result in the claimed invention. *Id.*

The Applicants contend that the combination would not have been obvious to one of ordinary skill in the art and that the references are not properly combinable. However, even if the proposed combination were proper, it still would not disclose or suggest all of the claimed features because neither Mishra nor the admitted prior art teaches establishing a pseudo reservation path. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 1 cites, among other things, "...establishing pseudo reservation paths (PRPs)...". Neither the admitted prior art nor Mishra teaches establishing "pseudo reservation paths (PRPs)". The Examiner appears to assert that a "passive reservation" from the admitted prior art is the same as a pseudo reservation path. They are not the same thing. A pseudo reservation "looks like a passive reservation but there is an important difference: namely, the routers in networks do not need to know whether a RSVP session is a pseudo reservation or not." (specification, page 11, lines 3-8)

Therefore, none of the cited references, alone or in combination, disclose every feature claimed in Claim 1. Claim 1 is thus patentable over the references in the record. Furthermore, Claims 2-14 are dependant from Claim 1. The Examiner cited Mishra as a secondary

reference, but it does not cure the deficiency. Therefore, dependant claims 2-14 are also patentable over the references of record.

Furthermore, Mishra is not properly combinable with Applicant's admitted prior art because Mishra and the admitted prior art are not analogous art. MPEP 2141.01(a) states that "to rely on a reference under 35 U.S.C. 103, it must be analogous prior art". The Examiner states that the VC routes taught by Mishra are analogous to an RSVP path. However, VC routes are not analogous to an RSVP path.

Virtual circuit (VC) routes are used in a circuit-switched network while the Resource ReSerVation Protocol (RSVP) paths are used in packet-switching technology. Circuit-switching and packet-switching are entirely different technologies. Circuit-switching is generally used for voice communication such as telephone networks while packet-switching is used for data communication.

In circuit-switching networks, VCs are allocated to be used for each communicating pair's data transfer and therefore the circuit-switching networks require no reservation for network resources to guarantee quality of service (QoS). In packet-switching networks, on the other hand, hosts may share the same data link to transfer data, and therefore QoS cannot be guaranteed without additional network support such as a resource reservation technique.

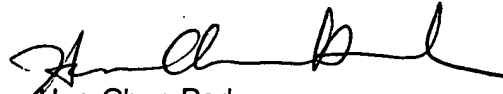
Therefore, because they are not analogous art, Mishra cannot be properly combined with Applicant's admitted prior art.

CONCLUSIONS

Applicants submit that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is thus respectfully requested to pass the above application to issue.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested. Applicants respectfully request that a timely Notice of Allowance be issued for this application.

Respectfully Submitted,



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